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17 UNITED STATES DISTRICT COURT  
18 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

19 NATIONAL URBAN LEAGUE, et al.,

20 Plaintiffs,

21 v.

22 WILBUR L. ROSS, JR., et al.,

23 Defendants.

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CASE NO. 5:20-cv-05799-LHK

**PLAINTIFFS' RESPONSE TO ORDER  
FOR RESPONSE TO EMAILS (DKT.  
274)**

Date: TBD  
Time: TBD  
Place: Courtroom 8  
Judge: Hon. Lucy H. Koh

1        Plaintiffs submit this Response to the Court's Order for Response to Emails (Dkt. 274).  
 2 For the reasons set forth below, Plaintiffs believe that the emails and evidence the Court has  
 3 received continue to show that Defendants may be circumventing the Court's PI Order.  
 4 Anonymous (Dkt. 272) raises an October 6 date for the first time, which Defendants are in the best  
 5 position to explain.

6        **A.      Anonymous (Dkt. 272)**

7        This anonymous emailer describes that his zone was closed out today. Plaintiffs are unable  
 8 to determine exactly where Anonymous is enumerating other than in the Midwest. At any rate,  
 9 Defendants should not be accelerating completion activities to meet the enjoined December 31,  
 10 2020 deadline.

11       The text message Anonymous received indicates that "Census enumeration will go through  
 12 October 6, according to the latest Federal court ruling." This is the first Plaintiffs have heard of an  
 13 October 6 date, and are unsure what ruling is being referred to. Defendants are in the best position  
 14 to explain the direction the anonymous enumerator received.

15       **B.      Mr. Smith (Dkt. 273)**

16       Mr. Smith expresses concern that enumeration activities have stopped in the Las Vegas  
 17 area. As noted, Defendants should not be accelerating completion activities to meet the enjoined  
 18 December 31, 2020 deadline. Mr. Smith also expresses concern that the Bureau may have  
 19 provided an improper justification for not enumerating homeless populations in Nevada.  
 20 Defendants are in the best position to address this direction.

21       **C.      Ms. Rice (Dkt. 271)**

22       Ms. Rice raises concerns regarding "intentional undercount POC, Elderly, Disabled, Low  
 23 income and Single parent families." Ms. Rice describes a Multi-Unit "module" or "tool" that is  
 24 not being used in the field. Plaintiffs are unfamiliar at this time with the "module" or "tool"  
 25 referred to, and whether there was a plan to use the tool that has been circumvented. Plaintiffs  
 26 understand that manager visits are to be conducted for multiunit buildings, *see, e.g.*, Dkt. 37-15 at  
 27 ECF pp. 27, 47-49, but Ms. Rice does not appear to be stating that such manager visits were not  
 28 occurring.

1 Ms. Rice also appears to have been terminated while the Court's TRO was in effect. It is  
 2 unclear what reason was given for Ms. Rice's termination, but the date of her termination may  
 3 implicate a violation of the Court's TRO.

4 **D. Mr. Pun (Dkt. 270)**

5 Like other enumerators, Mr. Pun raises concerns about "what standard they use" to mark a  
 6 household completed, but does not provide details about what methods have been used. Mr. Pun  
 7 also raises concerns regarding the homeless counts as well, suggesting that enumeration of those  
 8 populations is not being performed in a thorough and accurate manner.

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Dated: September 30, 2020

LATHAM & WATKINS LLP

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By: /s/ Sadik Huseny  
 Sadik Huseny

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Dated: September 30, 2020

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**ATTESTATION**

I, Sadik Huseny, am the ECF user whose user ID and password authorized the filing of this document. Under Civil L.R. 5-1(i)(3), I attest that all signatories to this document have concurred in this filing.

Dated: September 30, 2020

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